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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,423	12/18/2001	Ronald N. Zuckermann	16141.003 6469	
7	590 06/04/2004		EXAMINER	
Attn: David P. Lentini			WESSENDORF, TERESA D	
Chiron Corporation P. O. Box 8097		ART UNIT	PAPER NUMBER	
Emeryville, CA 94608			1639	

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extensic fee have been filled is the date for purposes of determining the period of extension and the core period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filled on February 23, 2004. Appellant's Brief must be filled within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  3. Applicant's reply has overcome the following rejection(s): objection to the specification and 112, first paragraph rejection.		Application No.	Applicant(s)				
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10. Other:	9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).						
T. D. Wessendorf Primary Examiner			T. D. Wessendorf				

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03)

Applicants argue that the condensation of DNA refers to the reduction in physical size. However, whether the reduction is physical would at least suggest that a smaller size or fragment of the longer chain is desirable. In the absence of new and unexpected results for a smaller size DNA as being delivered by the cationic compounds, the claimed invention would be prima facie obvious to one having ordinary skill in the art. [It is noteworthy that the disclosure at page 14, lines 1-5 discloses a similar finding or result for the longer chain and shorter chain DNA].